

original

FILED

JUN - 6 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Francisco Partida,

Plaintiff,

vs.

L.E. Scribner, Warden ET AL.,
Defendant.

CASE NO. CV 0867-JF (PR)

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

I, Francisco Partida, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief. (See Ex.A.)

In support of this application, I provide the following information:

1. Are you presently employed? Yes No x

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: N/A Net: N/A

Employer: N/A

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 N/A

5 _____
 6 _____
 7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

9 a. Business, Profession or Yes ____ No X
 10 self employment

11 b. Income from stocks, bonds, Yes ____ No X
 12 or royalties?

13 c. Rent payments? Yes ____ No X

14 d. Pensions, annuities, or Yes ____ No X
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes ____ No X
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 N/A

22 _____
 23 3. Are you married? Yes ____ No X

24 Spouse's Full Name: N/A

25 Spouse's Place of Employment: N/A

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ N/A Net \$ N/A

28 4. a. List amount you contribute to your spouse's support: \$ 0

- 1 b. List the persons other than your spouse who are dependent upon you for
 2 support and indicate how much you contribute toward their support. (NOTE:
 3 For minor children, list only their initials and ages. DO NOT INCLUDE
 4 THEIR NAMES.).

5 N/A

6
 7 5. Do you own or are you buying a home? Yes ☐ No ☒

8 Estimated Market Value: \$ 0 Amount of Mortgage: \$ 0

9 6. Do you own an automobile? Yes ☐ No ☒

10 Make N/A Year N/A Model N/A

11 Is it financed? Yes ☐ No ☒ If so, Total due: \$ 0

12 Monthly Payment: \$ 0

13 7. Do you have a bank account? Yes ☐ No ☒ (Do not include account numbers.)

14 Name(s) and address(es) of bank: N/A

15
 16 Present balance(s): \$ 0

17 Do you own any cash? Yes ☐ No ☒ Amount: \$ 0

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
 19 market value.) Yes ☐ No ☒

20
 21 8. What are your monthly expenses?

22 Rent: \$ 0 Utilities: 0

23 Food: \$ 0 Clothing: 0

24 Charge Accounts:

25 Name of Account	Monthly Payment	Total Owed on This Acct.
26 <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
27 <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
28 <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>

1 9. Do you have any other debts? (List current obligations, indicating amounts and to
2 whom they are payable. Do not include account numbers.)

3 N/A

4
5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes ____ No x

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.

9 N/A

10
11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.

15
16 5/23/08

17 DATE

Francisco Partida

SIGNATURE OF APPLICANT

E X H I B I T A

If you are a prisoner you must have an officer from your institution provide this official certificate as to the amount of money in your prison account. There are no exceptions to this requirement.

INMATE PRISON CERTIFICATE

(Incarcerated applicants only)
(To be completed by the institution of incarceration)

I certify that the applicant

PARRIDA
(NAME OF INMATE)

F22180
(INMATE'S CDC NUMBER)

has the sum of \$

2.00

on account to his/her credit at

Calipatria State Prison
(NAME OF INSTITUTION)

I further certify that the applicant has the following securities

N/A

to his/her credit according to the records of the aforementioned institution. I further certify that during

the past six months the applicant's average monthly balance was \$

0

and the average monthly deposits to the applicant's account was \$

0

4/14/08

DATE

K. Perdomo

SIGNATURE OF AUTHORIZED OFFICER OF INSTITUTION

K. Perdomo

OFFICER'S FULL NAME (PRINTED)

Account Clerk II

OFFICER'S TITLE/RANK

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIPATRIA STATE PRISON
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: AUG. 01, 2007 THRU APR. 14, 2008

ACCOUNT NUMBER : F22180
ACCOUNT NAME : PARTIDA, FRANCISCO
PRIVILEGE GROUP: B
TRUST ACCOUNT ACTIVITY
BED/CELL NUMBER: FD0400000000115L
ACCOUNT TYPE: I

<< NO ACCOUNT ACTIVITY FOR THIS PERIOD >>

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
4/08/2008	H104	DAMAGES HOLD	IDCARD3849	7.00

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	7.00	0.00

CURRENT AVAILABLE BALANCE

7.00-



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST:
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY *[Signature]*
TRUST OFFICE

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF IMPERIAL

(C.C.P. SEC. 446 & 2015.5: 28 U.S.C. 1746)

I, Francisco Partida DECLARE UNDER PENALTY OF PERJURY THAT: I AM THE Petitioner
IN THE ABOVE ENTITLED ACTION. I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF
AND THE SAME IS TRUE OF MY OWN KNOWLEDGE EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION,
AND BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 23rd DAY OF May 2008 AT
CALIPATRIA STATE PRISON, CALIPATRIA CALIFORNIA 92233-5002

(SIGNATURE) Francisco Partida
DECLARANT/PRISONER

PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) & 2015.5 28 U.S.C. 1746)

I, [Signature] AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY OF
IMPERIAL, STATE OF CALIFORNIA, I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM / AM NOT A
PARTY OF THE ABOVE ENTITLED ACTION. MY STATE PRISON ADDRESS IS P.O. BOX 5002, CALIPATRIA STATE PRISON,
CALIPATRIA, CALIFORNIA 92233-5002.

ON 5/23/ 2008 IS SERVED THE FOREGOING:

PETITIONER'S APPLICATION TO
PROCEED IN FORMA PAUPERIS

SET FORTH EXACT TITLE OF DOCUMENTS SERVED

ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A SEALED ENVELOPE(S) WITH
POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT
CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002.

Office of the Clerk
U.S. District Court
Northern District of California
280 South First Street, Room 2112
San Jose, CA 95113-3095

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS REGULAR
COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED. I DECLARE
UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE 5/23/ 2008 X Francisco Partida
(DECLARANT / PRISONER)

Francesco Peralta
F 22180 D4-115
P.O. Box 5002

Office of The Clerk
U.S. District Court
Northern District of California
280 South First Street, Room
San Jose, CA 95113-3095

